## THE WEATHER. Forecast.

For Western Alabama and Mississippi Pair, recorded by light rain in Alabams; continued high imporature followed by slightly cooler in Mis-sippi; southerly winds. Tennessee and Kentucky: Falr, continu

high temperature, except slightly warmer in east ern portion; southeasterly winds.
For Arkansar Fair; continued high tempera

Local Mercorological Report WAR DEPARTMENT, U. S. SIGNAL SERVICE, MEMPRIS. Tenn., June 28, 1880. Maximum temperature, 89°; minimum temper ture,69°; rainfall for day, 0; river gauge, 5 p.m. 27.2 change in 24 hours, 0.2 fall.

Cotton Region Bulletin.

STATIONS.	Max. Temp.	Min. Temp.	TO COLORAD
Balesville	92	68	-
Bolivar	92 86 94 88 88 95 88 88	66 77 63	-
Brownsville	94	78	
Corinth	168	62	
Covington	88	62	*****
Decatur	:90	68	coveres
Dyersburg	96	66 66 74 66 69 06	.0
Grand Junction	88	66	
Hernando	- 88	74	
Holly Springs	90	66	
Memphis	30	69	*******
Milan	90	06	.7
Nashville	84	68	Trace
Scottshoro	903	68 66 66 66 66	*****
Tuscumbia	-86	.66	******
Little Rock	90	EH.	- 11
Vickshirg	92	65	Trace

J. W. BYRAM, Sergt. Signal Corps.

## THE MEMPHIS APPEAL

TERMS OF SUBSCRIPTION. WEEKLY. SUNDAY AND WEEKLY. TO CONTRIBUTORS AND CORRESPONDENTS.

We solicit letters and communications upon sub jects of general interest, but such must always be accompanied by the name and address of the writer, as a guarantee of his good faith and re-sponsibility. No notice can be taken of anony-

Communications for publication must be written on one side of the page only, and, with all other ennected with the editorial department matters connected with the editorial department should be addressed: To the Editor of The Ap real, Memphis, Torrele cannot, as a rule, undertake to return articles not found suitable for publication.

OUR NEW YORK OFFICE. Fastern office of THE APPEAL, No. 12 Tribune Building, New York. J. E. Van Doren, Special

"COTTON."

Receipts of cotton are falling off rapidly those of yesterday being but 14 bales against 101 bales same day last year. The market remains in a very quiet condition. No sales gesterday, and the sales for the week being nly 50 bales, all taken by spinners. There is hardly any stock here, the running account being 1,885 bales, but the unsold stock Is less than 1,000 bales. We have so far received 703,530 bales, against 649,520 this time last year. The entire receipts of last season were 652,467 bales, and thus far this season we are 51,123 bales ahead of the total receipt of last season. At New Orleans spot clos steady; at Liverpool quiet, and at New York firm in advance of 1-16c. Options at New fined 1 point, advanced 1 to 2 points at Liverport, and at New York went up I point. A New York circular says that week seems to have pretty clearly demon strated that the old crop can be readily brought under absolute control, if needs be, and hence a curtallment of speculative

## THE MEMPHIS APPEAL

BATURDAY, : : : : JUNE 20, 1886

ABOLISH MARKET-HOUSES,

There are several objections to the report on the Beale Street Market made to ties that may delay the collection of taxes the Taxing District Council on Thursday, and seriously embarrass the State in her by Mesers, Pettit, Randle and Kney, and financial obligations. Such a movement they are serious objections. The first and may possibly result at the proposed meetmost serious is that it proposes to prevent | ing of manufacturers to be held at Iron bucksters selling their products on the City on the 10th of July next. When the obstreets until after 9 o'clock. This would be market gardeners, many or most of whom cannot constitutionally be prohibited from recoil upon the Democratic party at the be to protect the market stall people searchingly discriminating law, and so it at their expense, and that would be is proving to be. It taxes the manufaca partiality and discrimination, that turers twice, and thus imposes a burden And there is no good reason why the citishops that are to be found everyconvenience to the people, who can there soll the lots, placing the money in a build- this way of escape may, as we have said,

has evidently, according to the report received by the Council on Thursday, become a gathering place for characters who should be dispersed. Abolish the markethouses, we suggest, and sell the lots to the highest bidder for eash, and when we set about building a city hall let it be one worthy of us, and not a mere make-shift over a market-house. Memphis is a city, and it is time she was making the fact apparent in the character of her public buildings. She sadly needs a handsome and dignified city building and a new courthouse.

TAXES, MANUFACTURING AND DE-MOCRACY.

To The Bonner: "When in the course of human events it becomes necessary for one people to dis-solve the political bonds that have connected solve the pointent than "a decent respect of the opinions of mankind requires that they should declare the causes which impel them to the separa-

In the year ISS2, when the development of the new South was the song of the Democratic press all over our State, when the young and active ele-ment was asked to volunteer their energies and capital in manufacturing enterprises, a few Nashville men in circumstances quite moderate felt inclined to do their part, and each put what

pany, and indicated the amount each gentleman had put in, divided into shares. That this company or coparinership might become an indi-vidual, with rights to sue and be sued, the State's most gracious charter was obtained. Sixty-five thousand dollars in cash was put in, no water, no land improvement and no bonds. There

were sixteen subscribers to this enterprise, all Democrats, and they never intended to affend their Democrats, and they never intended to offend their political party in the least. This little infant industry, this chartered manufacturing company, this rich corporation, these baron robber manufacturers never dreamed of putting their money into a double-taxed, tariff prote ted undemocratic institution. Their object was to build an enterprise, to make a profit on the investment, give employment to men, women and children and help build up the new South.

This is what if her doors, in accordance helf. This is what it has done: In grounds and build-

ings \$25,000 was invested and nearly the rost of the

ings \$25,000 was invested and nearly the rest of the capital was put into machinery.

They have consumed in raw materials principally the products of Tennessee. \$16,200 in cost. \$10,200 have paid wages. \$13,225 paid dividends in cost. \$12,000 have paid State and county taxes. January, 1982, on ground only, \$26, January, 1982, to January,

These taxes were assessed annually by the assessed when he visited the property and as he thought his

there is a farm in the State that is assessed so high on its actual cost, pays as much taxes, dis-iributes as much money for the benefit of ethnes, and makes as little for its owners, let it speak out. be assessed at a higher relative valuation than building located on the streets of our city built by espitalists to reut for business purposes. Notwith-standing the taxes paid as before stated, the back tax attorney says the former assessors have not done their duty, that he finds under the law that this institution should be this fustitution should be assessed on the receipts given to these gentlemen called capital stock, and de by bringing suit for its recovery—for di-between himself and the State, and forces an smeat upon this property, to be paid no of \$1.515.29 additional for 1887 and 1888.

He and some newspapers say "these tich corpo-rations" have not paid their taxes, while the poor man has had to pay. This is untroe concerning this institution. Who is this man that forces this double tax? We know him only as a back tax at torney, and that will likely be his most prominent titleso long as he lives, and some victim will likely

If this movement against manufacturers is a proved or action foot by the Democratic party lennesses, and it looks like it is, for this attorn sointed by a Democratic Comptroller to en Democratic law, approved by a Democratic for, and declared just by a Democratic tovernor, and declared just by a Democratic fielge, then the question is, will they repair the injury they have done? Will they lift their but from off the neck of enterprise?

The above communication, which originally appeared in The Nashville Banner, is copied here for the purpose of comment and at the instance of several leading manufacturers in the State, all of whom agree which grow in numbers every year, bewith "Nathan" that if our present tax cause the young men are no longer "called laws continue to be enforced against them as rigidly as is therein stated, it will either compel them to "shut down their works" or make a contest with the State authorinoxious act was on its passage in the House very unjust to a large class of industrious | THE APPEAL pointed out then the possibly disastrous effects it would have on the have regular customers whom they supply growing interests of the State, and also with fresh vegetables every day. They that it might have the effect of a fatal selling their vegetables where and when next State election. We then characterized they choose. To attempt to do this would it as an unfair and unjust because a the Constitution of the State is opposed to. | more than they ought to bear, and more The next objection is that the Beale Street than they can bear in justice to themselves market provides for only one-half the and their interests. THE APPEAL, the population, the Poplar Street Market have consistent opponent of trusts, combines ing been closed. This is decidedly par- and monopolies, regards this law as untial and obnoxous to fair play. The fact democratic and oppressive as are the is the city should get out of the market | tendencies of these combinations in trade, business altogether and so relieve itself of No one branch of business, no single proa great deal of trouble, expense, and fession, no body of laborers or mechanics annoyance. There is no good reason why or farmers should be specially oppressed the butchers and green greens should be to relieve any other body, or increase the compelled to sell their means and vegeta- tax receipts of the State. As the commubles in a market-house than that the cloth- nication of "Nathan" proves, this is being men or the grocers, or the cotton men ing done in Davidson and adjoining counhould be compelled to sell in one place. ties under this law, and to an extent, as his figures show, that threatens them with rene should be compelled to buy their ruin. We do not believe that any right marketing in one place. The butcher- thinking man in the State desires this. We do not believe there is an bonest citiwhere throughout the city seem to be sen who would willingly see the indusdoing very well, and are certainly a great tries of the State roined by an unjust and oppressive tax. We must not protect manbuy what they need at any time of the ufactories but we also must not ruin them. ties. The excess of deaths in New day that suits them. Their continued ex- We must deal fairly by them. But how York from this cause over those reported istence is proof that the people do not care is this to be done in the face of this law? for market-houses. Besides, everything An agreed case to be taken up to the that Mesers, Pettit, Randle and Kney say Supreme Court, and a suspension of With this sanitarians cannot hope to cope. as to the demoralized condition of the Beale | the collection of the tax pending the | But the other diseases that make the dif-Street Market is so much more proof to decision, is the only way that we ference between New York and London, the same effect. The city would do well, can see. The tax collectors have no op these can be measurably gotten rid of by the same effect. The city would do well, can see. The tax collectors have no op these can be measurably gotten rid of by Morn' and surprised ber friends by the therefore, in the real interests of the people, to tear down this market-house and law in letter and in spirit. And yet even the State.

and discouragement that may lead to future legal complications and personal em- 1,200 feet deep, without securing gas,

THE SCHOLAR IN AMERICAN LIFE."

Bishop Potter has a paper by this title in the July number of The Forum in which he suggests that "the most urgent need of our civilization, on the intellectual side, is the encouragement of the research for truth in every department of knowledge, without direct regard to 'practical results.' But it is not the multiplication of colleges that is wanted, but rather the propose to subsidize steamship lines to enrichment, endowment of institutions the great ports of the world, that for men who, whether as fellows or to pay such lines a yearly stipend lecturers, shall in connection with the universities, be free to pursue original in- actual expenses of running each a certain vestigations, untrammeled by the petty cares, the irksome round, the small selves, they are going to repeat the now anxieties which are sooner or later the stale falsehood that England subsidizes all death of aspirations and fatal obstacles to inspiration." This is the timely suggestion of a scholar who values scholarship, of a Bishop who represents a scholarly ministry and a most conservative church. It is a sensible suggestion as well as timely, for if ever scholarship American sense of the term. English "subis to be lifted up and put at its true value it must be by some such means tion, and is not a bounty. Contracts for and in some such way as this. Scholarship carnot be attained to or maintained open to competition, and foreign ships in any atmosphere of carking care and can get them if they underbid the anxiety. This is the experience of men in English companies. German ships have all the professions. The necessities of daily not unfrequently gotten the contract in life confine them to a mere bread and but- recent years on important lines, to the ter existence, and they cannot launch out great disgust of English protectionists. on the sea of investigation because they | The New York Evening Post, on inquiry at have neither the means nor the independ- the office of the treasury of the United ence that follows upon the possession of Kingdom, obtained a statement under date means. How many aspiring souls have of June 5, 1889, showing the total cost of gone to their graves without realizing the carrying the toreign mails. The total cost full measure of their power and purpose as | was £498,764, or about \$2,500,000 for scholars may never be known. But, judg- mails carried to all parts of the globe. For ing by the cheap price put upon professional labor, they must be by comparison with the more favored and moneyed 500; to Africa, \$69,620; to Asia and Ausclasses, in a disproportion that discredits tralia, \$2,174,000. Deducting amounts our civilization. To go no farther. the tendency in the newspaper profession is to a heavier discount of \$801,800, the net payment, as stated above, ability and the employment of fledg- is about \$2,500,000. The British postal lings until they have acquired a status of service, unlike ours, is expected to supusefulness, when they in turn have to port itself. The foreign and domestic give way to a new crop of fledglings. The newspapers that pride themselves on ed- \$15,000,000. There is nothing, of course, itorial writing are comparatively few, of what we call "subsidy" in a world-wide Pandering to a supposed public demand, postal service which does not cost over they prefer sensational and sloppy re- \$2,500,000 all told. ports of anything and everything, those reports being most prized that are full of personality and are spiced with crim. con. Then, outside of the first cities, the law is profitable to only a few, and medicine is fast falling to the condition it has dropped to in Germany, where it is very little above the trades. And not only in these, but Notes, Dickens having stopped there while in other professions is intellectual attainment reduced to poverty. The age is in the from the front balcony of the hotel that grossest gense a material one, and the best President Andrew Johnson made one of material ways. This makes the young was based. men impatient. Hence they are very gen erally declining the professions and are intent on "money getting." Money and not honors is the prize, money and not scholarship. Even the churches complain that they cannot fill the vacant pulpits

of God," but are called by "the almighty THE recent address of the great English aanitarian, Chadwick, has provoked some discussion as to the relative health conditions of London and New York, from which it appears that the average annual death rate in London is 17.15 in 1,000 of population, while that of New York ranges from twenty-seven to thirty in each 1,000 of population. Dr. Roger S. Tracy considers the excess of mortality in New York to be caused by four diseases: First, diphtheria and croup taken together; second, diarrheal diseases; third, consumption; fourth, Bright's disease. He shows that the annual average of deaths from diphtheria and croup in New York, with a population of 1,500,000, is 1,720, whereas in London, with a population of nearly 4,500,000, they number 1,203. The deaths in New York frem diarrheal diseases average 3,688, and in London, with three times the population, but 3,753, Consumption takes off annually in New York 4,419; in London, 8,601. The annual mortality from Bright's disease in New York is 1,444; in London, 1,516. Were it not for the great mortality from these four diseases Dr. Tracy gives statistical tables to show that New York would be as healthy as London. But this is not the way to put it. In the interest of the public Dr. Tracy should say that diarrheal cases, consumption, croup and diphtheria are filth and preventable diseases that might be arrested by the enforcement of cleanliness and of laws to prevent overcrowding in tenements. Bright's disease is a result of bad babits in some cases and in others of overtaxing of the brain with business cares and anxiein London is a result of our business conditions which do not admit of care or rest.

soil the lots, placing the money in a building fund to help pay for the construction of a city hall on the ground on Adams and work dissatisfaction and in
Washinston street that has been purchased justice in that way. A bad and a vicious are to derive great profit. The Trees, Washinston street that has been purchased justice in that way. A had and a victous are to derive great profit. The Tienes, for that purpose. Market-houses are a law, it places the people in a very bad porelic of the past and that on Beale street sition and is presently fruitful only of opno a bit of interesting history, that the ture and carried the interest of her audi-

pression and dissatisfaction, of confusion | Natural Gas Company, at Little Rock, has expended \$21,000 and bored a well only barrassments to good, honest and lawabiding citizens.

while the Fort Smith Company has expended \$25,000 and bored in all about
7,000 feet of wells, and struck gas in three instances, only the Sixth street well failing to pan out. The Little Rock Company has quit in disgust.

> THE protectionist Republicans, in order to make sure of disposing of the whole of the surplus revenue of the country, are preparing, among other schemes, one for subsidizing steamship lines, under the plea that commerce follows the flag. They nearly equal to the total number of steamships. To justify themher foreign steamship lines, and that the continental nations are following in her tracks. But the Democrats will be fortified with facts to meet these specious arguments, and will show that there is no such thing known in England as subsidy, in the sidy" is a business rate, fixed by competithe carriage of mails are everywhere mails to Europe carried by steamship the payment was \$88,500; to America, \$513,repaid by colonies in the West Indies, East Indies and Australia, aggregating postal service yields now a net revenue of

Tax eld Planters' House, St. Louis, one of the most famous of the hostelries of the West, is to be torn down and on its site a new house, palutial in its finish, is to be erected. The old building was made famons by Charles Dickens in his American visiting St. Louis in 1842. It was also

FRED DOUGLASS was yesterday appointed Minister to Hayti. It was as little as the Administration could do to give him this recognition in view of his services to the Republican party.

Ma. T. G. Boous, who has for the past three years filled so faithfully and efficiently the position of telegraph editor for Tun Ar-PEAL has resigned the work to become connected, in a responsible capacity, with Kavanaugh Brothers, of this city, who are in ness of sand supply by the pump method. Mr. Boggs has won an enviable reputation as a journalist and his comrades are sure that he will achieve success in his future neld of labor by the exercise of the same qualities of sagacity and gentlemanhood which have characterized his service upon THE APPEAL. Their best wishes go with him.

## AMUSEMENTS.

Miss Lewellyn's Entertainment. Miss Grace Lewellyn's entertainments do not diminish in popularity as was evidenced last night by the large audience present at her "Literary Entertainment," at the Y. M. H. A. Hall.

The following was the program presented: cal Solo Marguerite Perring

Plantst, Miss Maled till Young Preston Fortune recited the "Death of the Owd Squire" very creditably. He was followed by M. Cora Hexter in "Un Potpouri D'Elecution." Miss Hexter is but seventeen years of age, but recites with marvelous grace and finish. The was a severe tax grave by sudden transiversatility, pa tions, but Miss Hexter was equal to every requirement, and proved herself to be en-dowed with talent of a high order. Her ion was one of the best features of

Lillian Buck, a tiny little thing bout six years old, took the house by storm. She is a born little actress, and gesticulates with all the ease of an old singer. She was en-thusiastically encored, and responded with a song and dance that eclipsed her previous performance. She's a rare little

Mrs. Richard Crofton sang "The Bridal merly Miss Ruth Hill, is herself an elecu-

ence with her until the last syliable had been uttered. She was rewarded with a storm of applause at the close of her reci-tation and richly deserved this tribute to

Mr. Virgil P. Randolph struggled with monologue entitled, "A Dilemma," as ong as the moral law, and by no means a happy selection from any standpoint. It is a dull and stupid thing, and objectionable on other accounts. Even Coquelin, the famous French actor, the best man at a monologue in the world, could have done nothing with "A Dilemma." It was evident that Mr. Randolph is a

good reader, has intelligent conception of his author and some dramatic talent, but he badly handicapped last night by his lines. It is beyond the reach of art to make them entertaining.

Miss Josie Bender recited a buriesque of "Romes and Julies" with track arch.

'Romeo and Juliet" with much arch

humor and vivacity.

Miss Lady Blackburn was very amusing in Money Musk. It is recited to musical accompaniment and the difficulty lies in avoiding a sing-song style. This Miss Blackburn succeeded in doing, and in other respects left no room for fault-find-Miss Theda Postal's monologue was ex

cellently done. She moved about as if at home on the stage and was never at a loss what to do with her hands, a fault pecu-liar to amateurs. She was easy, self-pos-sessed and natural and read her lines The death scene from Queen Elizabeth

by Miss Susie Gardner, was a piece of re-alistic acting which received close study and infinite pains. Miss Gardner got through it well, a difficult thing to do in the absence of scenery and other accessories. Mrs. Cora Sample caused much merri-

Mrs. Cora Sample caused much merriment by her humorous rendition of "A Visit to Cousin Marthy."

Miss Lydia Creighton's vocal solo was one of the delightful things of the evening. She was cordially encored and responded with a dainty little chausonette daintily and artistically rendered.

"The Bobolink" proves Miss Nellie Me-Ewen to be not only a skillful recitationist but also a mimic of a high order of merit.

out also a mimic of a high order of merit. Her imitations of the caroling of a bird were marvelously life-like and true.

Miss Anna Miller in "All for Love" made one of the hits of the evening. She has a sweet, low voice, equally at home in singing or reciting and her manner is full

"Music on the Rappahannock," by Miss Myrtle Breeden, was given with fine dra-matic feeling. Dressed as the Goddess of Liberty and standing between two stacks of arms this young lady easily carried her hearers to the camp grounds of opposing armies and brought before their visions the outhing scenes she described. The piece

Miss Mattle Hawkins sang the "Flower Girl" in costume, and did it charmingly. She has a soprano voice of great sweetness and sings with taste and spirit. Her byplay was exquisite, her action grace itself. It was a decidely fine performance.

Children Aiding Johnstown.

The entertainment given by the children of Johnson avenue for the benefit of the Johnstown sufferers at St. Brigid's Hall was very delightful. The program was quite lengthy, many children participating, and was made up of songs, recitations, tableaux and a magic-lantern exhipition. Katie Kurtz, a nino-year-old, whose home is in Johnstown, gave a perwhose home is in Johnstown, gave a performance on the piano. Among those who particularly distinguished themselves were Mollie Dougherty, Ada Skipwith, Alice Hopkins, Alice Winters, Mamie Donohue, Georgia Skipwith, Bertha McKee and Lula Skipwith. The sum of \$13 was realized. Mrs. J. M. Simpkins gave a medal to Alice Hopkins for selling the most tickets. Father Clements presented the medal and took advantage of the correction to grossest zense a material one, and the best rewards are those that come to workers in the speeches on which his impeachment impress upon the children the duty of charity.

A large, enthusiastic and fashionable audience witnessed "Erminie" at Jackson Mound Park last night, and everybody was delighted with the fine performance. It is one of the most charming operas ever presented in Memphis, abounding in fine music, well-executed marches and spark-ling comedy. It had been announced that "Patience" would be presented Sun-day evening, but strong pressure having been brought to bear upon the management by many who have not had an op-portunity of witnessing it, it has been de-cided to produce "Erminie" for the last time Sunday night. "Erminie" will be presented at the matinee this afternoon. and "Patience" will be put on Monday

The Call for the Tennessee Manufac-

We, the undersigned citizens of Tennessee, feeling that the present tax enacted by the State on manufacturing enterprises is unjust and injurious, which tax, if continued, will not alone prevent capital coming into our State, but will drive much now here to Alabama and other States where such laws do not exist. We, therefore, in the interest of Tennes-see's present and future wellbeing, call a seemble at Iron City, Lawrence County, Tenn., on Wednesday, the 17th day of July, to discuss the best methods to relieve our State of the unjust, burdensome

and outrageous tax.

Signed: Iron City Manufacturing Company, Iron City, Tenn.; Finney & Stevenson, Iron City, Tenn.; Columbia Cotton-Mill Company, Columbia, Tenn.; H. A. McLemore & Bro., Columbia, Tenn.; A. McLemore & Bro., Columbia, Tenn.; A. McLemore & Bro., Columbia, Tenn.; H. John B. Ashton, proprietor, Ashton Roller-Mill, Columbia, Tenn.; Tennessee Mill Company, Columbia, Tenn.; R. F. Porch Manufacturing Company, Iron City,

Brick Bought Abroad.

WASHINGTON, June 28.-Complaint has been made that the Government has contracted for the purchase of 550,000 enameled brick made in England for use in the construction of the Congressional Library building. Gen. Casey, Chief of Engineers, who has charge of the work, said that he had bought these bricks because they were the cheapest and bost. He said he had silvertised extensively for these bricks, and that not a single American manufac turer had put in a proposal.

Interesting Michigan Legislation. LANSING, Mich., June 28 .- A bill has passed both Houses which provides that a wife may have separate maintenance when her husband has been guilty of an offense that would entitle the wife to a divorce. The House fixed sleeping-car rates at \$1.50 for lower and \$1 for upper borths.

Both Houses have agreed to the Damon bill fixing the retail liquor law at \$500. It is said the Governor will approve it.

Making It Hot for Mormons. Tuscota, Ill., June 28.-A few nights since an attempt was made to burn Odd Fellows' Hall in Hindsboro, because a inber of preachers, said to be Mormon elders, were holding meetings therein. Yesterday three men of that place were arrested, charged with the placed under bond. The missis stirred the people up to such an extent that the Mornous have been attacked

THE WRIT OF OUSTER.

A MOTION TO QUASH ARGUED YES TERDAY.

The Case Not Decided-Arguments by the Solicitors Pro and Con-Intimation Given That the Case Will Be Carried

The usually dull and somber precincts of the Chancery Court were more than lively and active yesterday.

It was motion day, and a good many motions were disposed of one way or the other. The interest in the early proceedings

was only such as is felt in trifling preliminaries or slight picket firing and skirmishing that heralds the battle which is to come. Law books, those Gatling guns of jurisprudence, were planted in rows on the solicitors' tables, and from between the leaves of each protruded slips of white paper, marking the spot where lay the magazine that could be touched off by a turn of the hand. There was the first, Jones, page 50, to be used as an entering wedge, followed by the second, Brown, page 60, which was to clinch Jones and batter a hole in the fortifications; there was the third, Smith, page 75, that was to take up the fight bravely when Jones was obliterated, and there was the fourth, Green, page 100, that was to open fire on the enemy's unprotected flank and send him howling with discomfiture and dismay into the wilderness. There were others besides those named ranged around about, with the Code, like a mortar, ready to throw dynamite shells in every direc-tion. Then there were sheets of paper, tion. Then there were sheets of paper, written in an unknown hand, but which the solicitors read in English, lying around in voluminous profusion and there were a host of legal gentlemen seated around intently waiting for the opening o hostilities. All these preparations were for the DuBose case, wherein a motion had been filed to quash the writ of ouster filed some weeks ago.

Gen. J. B. Heiskell arose for the de

Gen. Heiskell argued that the Attorney General must bring the suit upon his own General must bring the relators could not do so. The indorsement by the Atterney-General was not sufficient. He torney-General was not sufficient. He must sign the bill as State's Attorney and be responsible for the proceedings.

The Chancellor intimated that the At-

torney-General must sign the bill, and that his failure to do so rendered the instrument defective and short of the legal requirements.

side. From first to last it was observed that Mr. Lehman had the court and the opposing counsel against him, and, of snd trousers appropriate to his calling course, the law also, and this made his He had just returned from the races side of the fight the most difficult. He where he had dropped ten cold bones fought bravely, however, and contended | He was consequently depressed and dis fought bravely, however, and contended that the Attorney-General had in effect signed the bill by his attached explanation wherein he says: "I sign this officially and in order that the relators may get redress in order that the relators may get recrease in court or that the defendant may justify himself if the charges are unfounded. George B. Peters, Attorney-General." Cases were read where this question had been passed upon, and one in particular where the official signature of an Attorney-General was considered "irregular but not fatal to a similar bill.

The court decided that the Attorney General could then and there sign the bill, which upon his arrival in court he pro-

ceeded to do.

Just as Mr. Lehman was felicitating himself with the idea that he was rectus in curia, a broadside from an unexpected source struck him amidships and nearly raised him out of the water. It was a motion by Gen, Heiskell that Mr. Lehman be not allowed to address the court as so-

The court decided that Mr. Lehman could not speak as a solicitor; that only officers of the court could be heard. This threw Mr. Lehman out of court, lock, stock and barrel, but he did not go. By one of those beautiful fictions of the law, Mr. Lehman departed from the presence, but by another he was metan into the Attorney-General and kept his seat. The metamorphosis was complete and absolute. The transmigration of the soul of Lehman could be seen and felt and heard. The soul of Lehman was in the new Attorney General's voice, in actions, in his argument—yea, in the hemence with which he whacked the hel-mets of his adversaries with his trusty Damascus. Court adjourned until 2:30

o'clock p.m.

On reassembling solicitors for the defense were tardy about arriving. Mr. J.

H. Malone was the only one present, and the Chancellor insisted that the young gentleman had, like Gideon of old, to tread the wine press all alone; a task which he undertook with apparent trepidation and missivings, but which he comdation and misgivings, but which he com-pleted with much credit to himself and in a manner to win from the Chancellor a flattering compliment. He argued that the original proceedings must be by impeachment and not by quo warranto. The Constitution gave to the General Assembly the right to impeach Judges and State's Attorneys, and that this grant of power was exclusive, sole, absolute, and could not be infringed upon or divided by courts of equity or other tribunals. This point was the pith and moment of the case, and it was elucidated clearly, thoroughly, elab-

Mr. Malone was followed by Mr. W. M. Randolph, who started in for a very elaborate argument on lines converging to the central point made by Mr. Malone, to-wit: Joseph in the That the Legislature and not a court of equity had jurisdiction of such cases, and "Suit yours the Government was an exclusive grant.
The Chancellor notified Mr. Randolph

that the mind of the court was made up on that proposition and that further argument was unnecessary. Mr. Randolph sat down just as he was becoming intensely interesting, much to the chagrin of those who desired to see the process by which the petals as possible, Miss McGuinness, because I'm of the legal rose are unfolded.
Solicitor I. Lehman, for the prosecution,

ollowed with the concluding speech in the case. He argued that while the Lagslature had an exclusive right to impend Judges and State's Attornoys, while that body had the sole, original and peculiar duty imposed upon it by the Constitution, its province was circumscribed and limited to "offenses committed in their official calaw. The proceedings in impeachment cases could be maintained only for offenses committed by the officer while in office. The jurisdiction did not extend retroactively, and like a bosom to every act of a tering emconiums of Joseph O'Shaugh-man's life. It dealth with the officer after nessy, but he was gone. Like a specter election, not with the private citielection, not with the private citisen before election. Judge DuBose
was not being tried for or charged
with any offense or dereliction of official
duty. His title to the office of Criminal
Judge was assailed, not for anything be
and because with the private citisen before election. Judge DuBose
was not being tried for or charged
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duty. His title to the office of Criminal
Judge was assailed, not for anything be Judge was assailed, not for anything he had been guilty of while in office, and consequently not for anything that the Legislature had jurisdiction of, but on the ground that he never held title to the office; that while Judge de facto two years or more, he was not and could not be Judge de jure, and all because his act as a private citizen debarred him from holding office or from taking the oath of office.

office or from taking the oath of office.

Mr. Lehman's argument was logical,

cellor.
"I do not remember, before '34, I think,"

"I do not remember; before '34,I think," replied Gen, Heiskell.

The Chancellor: "Was it in '96?"

'I did not attend that Constitutional Convention," said Gen. Heiskell.

The Chancellor: "I will appoint you and Brother Lehman a special committee to trace the question to its source and hunt the matter down. I am dealing with a constitutional question and feel that I am treading on sacred ground. I want to be sure."

Some member of the bar whispered to another that Gen. Heiskell was mistaken when he said he did not attend the conwhen he said he did not attend the con-vention of 1796; that as a matter of fact the General was engrossing clerk when the Brehon laws were passed, and that he pre-pared the palimpsest when Justinian was drafting his Institutes, but this is doubt-

The case is virtually though not formally decided, and the bill against Judge DuBose will be quashed. This does not end the case might have been ended here, it would have been carried to the Suprement. would have been carried to the Supreme Court, and the relators in this case are letermined to take it there and will he

opportunity.
Several speeches intended for the occasion were not delivered.

BERAPHINA'S NOCTURNE.

Its Effect Upon a Bowery Gent Who Had Dropped Ten Cases. From the New York Evening Sun.

The gibbous moon rose over the city and its sickly rays feebly outlined the beautiful form of Seraphina McGuisness as she sat behind the trelliswork of her father's piazza on McKibbon street. The fireflies were flashing their dark lanterns over the lawn and a cool breeze gently wafted the scent of roses to Scraphina's classical chiseled nostrils, which dilated with appreciation.

"How I love the night," she murmured in ecstatic contemplation. "I fancy that the bulbul is singing his solo to the moon in old Damascus at such an hour as this, and the gay serenader by the light of a star is warbling his serenade beneath some latticed window in Andalusia. I wonder when a blonde mustache shall be placed close to my shell like ear and a rich baritone voice shall murmur sweet- Histl I hear footsteps! They come up the piazza stairway. Hush, rebellious heart! Per-

haps 'tis hel'

A minute later Seraphina's brother
Bill had introduced his friend, Joseph
O'Shaughnessy, a Bowery song-and-dance
artist, to his sister. Mr. O'Shaughnessy
wore a straw hat with a blue ribbon
around the crown, a flannel shirt with twofor-five gold buttons in the frontispiece,
and trousers appropriate to his celling. haps 'tis hel' He was consequently depressed and dis-trait. Seeing that her visitor was suffering from an attack of indigo, Scraphina said

her most mellifluous accents: "Are you fond of music, Mr. O'Shaugh

"Pianner music, do vou mean, Miss? Yes, I like planner music," replied Joe.
"But the 'cordion is my favorite instru-ment. I wisht I had my 'cordion here, ment. I wisht I had my 'cordion here, and I'd be glad to play 'In the Gloaming, Oh, My Darling for you. D'ye ever hear it? Beautiful song. My little sister can play it on the planner with one finger."

Joe bridled in the presence of culture and beauty, and felt that he was running

neck and neck with his fair entertainer in the matter of refinement. On the other hand Seraphina saw toat she was weaning Joe away from the contemplation of his losses, and so she continued the good work with the observation:

"Do you prefer liatoven to Shopan?" Joe had never heard of these composers. He, however, did not like to confess his

"I think I likes Shopan the best, Miss; but Batoven ain't so bad when you come to get acquainted with his playin'. Let's see, he plays with both hands, don't be?" A bubbling rivulet of laughter ran over Scraphina's lips, like ginger ale from a bottle. This was so infectious that Joe joined in hysterically, beginning to feel that he had made a blunder. Scraphina was quick to perceive his embarrassment, and to relieve it she said:

"Of course, you are aware that both these great composers died many years ago, but their works live after them to cheer and gladden us on our way through this cold and hollow world." By this time Joe felt that he was being

distanced in the conversation. He was already four lengths behind, and so he made a desperate effort to catch up. His face lit up as he gave expression to this Seems to me, Miss McGuinness, if I

remember right, that Mr. Shopan wrote 'Alice, Where Art Thou?' didn't he?'

'Alice, Where Art Thou?' didn't he?'

"I have no recollection of the song alluded to, Mr. O'shaughnessy, but if you
will step into the parlor I'll play one of
Shopan's nocturnes for you."

"Much obliged to you, Miss. Luck's
been dead agin me today, an' I'd like to
hear somethin' to cheer me up."

Seraphina swept back the billowy lace curtains hanging over the bay window with her cornmeal softened fingers and glode into the parior with sylphike grace, fol-lowed by the sorrowful Joseph, who, also expected to be cheered and lifted out of

his sorrow by Shopan. "I can play Batoven's So ique' if you would prefer it," whispered Scraphina, softly, beaming sweetly upon Joseph in the bloomy, ghostly moonlight

"Suit yourself, Miss McGuinness. Don't that a grant of power to any department of the Government was an exclusive grant. replied Joe, gallandy, with a low bow, as he plucked nervously at his Xanth mustache.

> ceim' kind of sad," said Joe, thinking that he might have backed the winning A delicious prelude trakled out into the

room. Then came the more difficult har-monies of the soulful composer interpreted in a mistressly manner by the charmin Scraphina. Lost in the bestific content piation of the entrancing music evoked by her own magic touch, the sweet player for in the language of the organic got her surroundings and gazed in rapt contemplation at the wall paper in front of build be main ained only for offenses her. When she awoke, like Ben Adhem, "from her sweet fream of peace," she looked around, expecting to hear the flat-

in check rows it is sometimes impossible to get all the grass out except by